

EXHIBIT MM

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

vs.

GOOGLE, INC.,

Defendant.

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) Case No.:

) 3:10-cv-03561-WHA

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VIDEOTAPED DEPOSITION OF DONALD SMITH
San Francisco, California
Wednesday, April 6, 2016
Volume 1

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Reported by:

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Job No. 2279510

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1 BY MR. MULLEN:

2 Q Was the SavaJe phone -- well, strike that.

3 Did SavaJe actually have a product on the market
4 for sale?

5 MS. LEWIS-GRUSS: Objection.

6 THE WITNESS: I think so, yeah.

7 BY MR. MULLEN:

8 Q Okay. Do you remember what the phone was called?

9 A You mean the model number? So I know -- so I
10 know the branding was -- his name -- there's a guy on
11 our team, Jasper, and -- but I couldn't tell you the
12 model number or whatever.

13 Q Okay. Was the Jasper phone a success?

14 MS. LEWIS-GRUSS: Objection.

15 THE WITNESS: Well, define "success." I mean,
16 Sun eventually bought them with the intent to, you know,
17 license, you know, what the -- the -- the technology and
18 the -- the people behind it, so depends on your
19 perspective, but I -- I would call that part a success
20 at least.

21 BY MR. MULLEN:

22 Q Was the Jasper phone ever successful in the
23 consumer market for mobile phones?

24 MS. LEWIS-GRUSS: Objection.

25 THE WITNESS: So I'm not sure, actually. I

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1 couldn't tell you how many units were sold.

2 BY MR. MULLEN:

3 Q Other than the two examples of SavaJe and Nokia,
4 did Sun ever license Java SE for use in a mobile phone?

5 MS. LEWIS-GRUSS: Objection.

6 THE WITNESS: Sorry, did -- I missed the very
7 last -- did Sun ever license?

8 BY MR. MULLEN:

9 Q Java SE for use in a mobile phone?

10 MS. LEWIS-GRUSS: Same objection.

11 THE WITNESS: Those are -- those are the two
12 examples I'm familiar with. I'm not aware of any
13 others. There may be some, but.

14 BY MR. MULLEN:

15 Q Okay. Would you tell me what opinions, if any,
16 you have on the market for Java in the Internet of
17 Things?

18 A Yeah. So the first thing -- we need to talk
19 about those. What we mean by "the Internet of Things,"
20 right? You know, just because that -- that is a --
21 that's a term that has a lot of meaning, right?

22 And so, you know, we'll talk about things like
23 the impact on home gateways; that there are companies
24 that are establishing home routers with the ability to
25 kind of broker messaging from edge-device-type things,

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1 whether it be an appliance or a wearable or something
2 like that, through to those actual edge-device-type
3 things.

4 Yeah, so -- so we will talk about that and how,
5 you know, basically our strategy over the last couple
6 years has had to pivot to be one that's more server-side
7 and cloud-oriented just because of how much resistance
8 we are getting to try to license Java in -- in these
9 spaces because of the presence of Android.

10 Q Okay. Has Oracle successfully licensed Java for
11 use in an Internet of Things-type device?

12 MS. LEWIS-GRUSS: Objection.

13 THE WITNESS: I'm -- yes, I'm sure we have some
14 examples.

15 BY MR. MULLEN:

16 Q And what are such examples?

17 A Let's see. I'm trying to think of the name.
18 There's a deal not that long ago that I helped. It was
19 on a -- it was on one of the router-type things, the
20 home gateway -- sorry, I've got to use the correct
21 marketing terminology, a home gateway, but I'll be
22 darned if I can remember the name of the company.

23 Q Any other examples that you are aware of?

24 A Off the top of my head, no. I know there's a --
25 you know, there's a bunch that we have sent along --

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1 further along here, right? So, you know -- well --
2 well, sorry, that jumps into wearables. See, there's --
3 there's another thing -- you talk about Internet of
4 Things, but we could -- Internet of Things, you could --
5 is wearable and Internet of thing, right? So we
6 could -- we could include -- we could include examples
7 like that as well.

8 Q Okay. Setting aside wearables, are you aware of
9 any licenses for Java that Oracle has in the Internet of
10 Things space?

11 A So -- yeah, so our strategy is to work with
12 partners who -- who will bring those types of products
13 to -- to market.

14 I'm just trying to see if the name of the company
15 I was thinking of was -- was there. I don't see it.
16 No.

17 Yeah, so -- yeah, so one example is [REDACTED] where
18 they were looking to license a -- Java for an
19 air-conditioner, and then there was -- oh, actually,
20 [REDACTED] is a good example
21 because I was -- they were somebody that we worked with
22 for a couple of years, actually, so we had a
23 longstanding relationship where they even keynoted a
24 Java 1 one year.

25 [REDACTED] is a company that builds -- they build

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1 chips, basically, but they don't just build simple
2 processor-type chips, they build chips that do the
3 processor and some other added logic.

4 And we were working with them to -- they were
5 building circuit boards that they would then sell to,
6 say, an appliance company, like somebody that actually
7 built fridges and stoves, and they would use the
8 Freescale system-on-chips in their appliances.

9 And so as I understand it from -- from the sales
10 team and from the business development folks who were
11 working with [REDACTED] they just -- they eventually
12 went quiet, and one of the sales folks had a
13 presentation from [REDACTED] where they were going all in
14 on Android, and so that's -- that, to me, is -- is an
15 example that I was involved with, you know, from a --
16 from a few different angles within Oracle.

17 Q Is it your opinion --

18 THE WITNESS: Sorry.

19 I was just curious --

20 MS. LEWIS-GRUSS: I was asking for a time check.

21 THE WITNESS: No, no. Yeah, I was just curious
22 about the time, but I'm happy to keep going if --

23 MS. LEWIS-GRUSS: It's -- it's approximately
24 11:00.

25 MR. MULLEN: Yeah, we -- we have been going about

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1 an hour. We can take a quick break.

2 THE WITNESS: I don't mind either way, so you
3 tell me.

4 MS. LEWIS-GRUSS: Well, let's take a quick break.

5 THE WITNESS: Okay.

6 MR. MULLEN: Yeah.

7 THE VIDEOGRAPHER: Going off the record, the time
8 is 11:00.

9 (Recess taken.)

10 THE VIDEOGRAPHER: Back on the record, the time
11 is 11:14 a.m.

12 MR. MULLEN: Welcome back, Mr. Smith.

13 Q Is it your opinion that Android has harmed the
14 market for Java in mobile phones?

15 A Yes.

16 Q And what are the bases for that opinion?

17 A That the -- the phone manufacturers that have
18 been licensing Java ME for, you know, a long period of
19 time were moving to Android.

20 Q Any other bases?

21 A Sorry, the question was specific to?

22 Q Mobile phones.

23 A Yeah, to mobile phones. Yeah.

24 Sorry, the question again?

25 Q Yeah.

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1 A So, like, older in terms of, like, an older
2 model, yeah.

3 Q So [REDACTED] is using Java on less advanced and
4 cheaper phones; correct?

5 MS. LEWIS-GRUSS: Objection.

6 THE WITNESS: Yeah.

7 MR. MULLEN: Yeah.

8 Q And [REDACTED] uses Android for the more modern and
9 advanced phones; correct?

10 MS. LEWIS-GRUSS: Objection.

11 THE WITNESS: Yeah, so, again, it's, like,
12 depending on what you mean by more -- "more modern,"
13 but, yeah, so [REDACTED] is -- is -- yeah, I mean,
14 basically this -- this is their -- this is their
15 wind-down. It's another way to put it. Like, that's
16 the way sales puts it, right? It's basically a
17 wind-down. So it's a product that they -- that they had
18 that they still have some residual market for, and so
19 they are just continuing with that.

20 BY MR. MULLEN:

21 Q So, again, on its newer and more modern phones,
22 [REDACTED] uses Android; correct?

23 A Yeah. They have been using Android for many
24 years on many phones, yes.

25 Q Okay. And are you aware of -- well, strike that.

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1 Is it your opinion that Android has harmed the
2 market for Java in wearables?

3 A Yeah, so, you know, depending on what we mean by
4 "wearables," so I know [REDACTED] -- well, so, again,
5 sorry, I have to disclaim is -- is that [REDACTED] is one of
6 these companies with which we have many different
7 products and many different lines of business, but I
8 know that their -- that their healthcare business was
9 looking at licensing for some medical devices, which
10 they classified as a wearable, and so -- so they were
11 looking at using Java in that space, but they have ended
12 up using Android.

13 Q Okay. Do you know why [REDACTED] ended up
14 using Android instead of Java?

15 A Yeah, for cost.

16 Q And what -- what is the basis for that?

17 A The basis for that is that every conversation I
18 have ever seen to or from [REDACTED] is about cost.

19 Q Okay. Other than [REDACTED] are you aware of
20 any other instance in which Android has harmed the
21 market for Java in wearables?

22 A So, yeah. So, I mean, I would -- I would have
23 hoped to see Java on, say, watches at this point. You
24 know, there's a resurgence in watches as a -- not only a
25 fashion statement, but because of Moore's law, you can

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1 get some pretty advanced technology into a watch these
2 days. Unfortunately, it's -- you know, it's a -- it's
3 an example of a market where we can't even get started
4 because Android is just all over it first. And this is
5 one of these niche-creation-type things that, you know,
6 from a -- from a business or product management
7 perspective, it's frustrating to try to overcome -- to
8 try to get yourself into a niche when Android is there
9 and established instantly.

10 Q Has Oracle made any effort to license Java in the
11 market for wearables other than [REDACTED]

12 A So, yeah, I'm sure there's -- I'm sure there's
13 other -- other examples here. Again, you know,
14 wearables is one of those things where there's -- you
15 know, there's a few different things we could -- we
16 could include.

17 And I think -- I can't remember if we had -- I
18 was going to say, I think we had talked about LG in my
19 last deposition, but I think [REDACTED] and the context there
20 was more in automotive, not -- not wearables.

21 Q So other than [REDACTED] are you aware of any
22 deals in the wearable market that you believe Oracle has
23 lost due to Android?

24 A Yeah, I mean, just based on conversations with
25 sales. And, you know, in particular, again, it's like

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1 if you look at -- so -- so, you know, when we say
2 "wearables," what a lot of people are thinking of is
3 watches, right? I think of it a little more broadly
4 and -- you know, when I'm looking at the wearables
5 market, but most people are talking about watches, and,
6 again, it's like -- it's a case where the peop- -- the
7 companies that would want to -- that would want to
8 license Java for a watch are just going to use Android
9 because it's available and it's free.

10 But then the other part of it is, because Android
11 is so established, like -- the fact is that the
12 wearables market largely relies on having a mobile
13 device associated with it, and so Android is attractive
14 on wearables because of its dominance on mobile phones
15 as well, so it's -- it's really difficult to break into
16 these new -- new markets. You can't even have the
17 conversation with -- with the companies that are making
18 this stuff because they are already going in on Android.

19 Q And are you aware of any specific business
20 opportunities that Oracle has lost due to Android in the
21 market for automotive?

22 A Just through conversations with sales. Like I --
23 I know that there are -- that there are examples. When
24 it -- when it comes to automotive, my -- my personal
25 involvement is with a company called [REDACTED] but --

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1 but I know through sales, they -- especially in APAC,
2 they have examples of -- of customers that are -- that
3 have gone Android in the infotainment units.

4 Q But -- but I'm asking you: Are you aware of any
5 business opportunity that Oracle has lost due to Android
6 in the market for automotive?

7 A Yeah, so I'm aware based on my conversation with
8 sales.

9 Q And -- and what are those business opportunities?

10 A Yeah, so -- so one example is the -- with [REDACTED]

11 Q Okay.

12 A Yeah.

13 Q And what was the opportunity with [REDACTED]

14 A So I don't have the specifics of the -- it's just
15 the conversation with sales.

16 Q Okay. Is there anything further you can tell me
17 about the deal with [REDACTED]

18 A No.

19 Q Anybody else besides [REDACTED] that you believe
20 Oracle has lost a deal to -- excuse me. Strike that.

21 Is there anybody else besides Honda for which
22 Oracle has lost a deal due to Android in the automotive
23 market?

24 A So it's -- yeah, I'm not aware of a specific
25 example. I know there are examples, and I know I've

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1 given you [REDACTED] I know sales has -- has a few
2 different examples.

3 What I'm -- you know, what I'm more worried about
4 and what I'm dealing with is, we are working with a
5 partner, [REDACTED] who is trying to get into -- they
6 are trying to get -- they are trying to bring Java to
7 their -- Oracle Java to their customers, and I'm worried
8 that it's -- it's a lot of effort that we are going
9 through with them for nothing because those automakers
10 are just going to eventually be going all in on Android,
11 and the reason I think that is just based on what I see
12 in the press with all of the different -- all of the
13 different companies that are, you know, apparently going
14 to license Java through [REDACTED] working on various
15 initiatives with Google and Android.

16 Q What Java product does Oracle license in the
17 automotive industry?

18 A So it -- it would vary, so the -- in the
19 [REDACTED] example, we actually -- we license source code
20 to -- to [REDACTED] They build the TCK-compliant,
21 compatible implementation of Java, which we will then
22 sell binary licenses to the automakers, so [REDACTED]
23 is -- is one company that they feel confident they are
24 going to get. [REDACTED] And
25 those companies are going -- going to be using Java for

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1 their infotainment systems.

2 Q So I want to understand.

3 Is it Java SE or Java ME?

4 A Oh, it's Java SE Embedded.

5 Q Java SE Embedded. Okay.

6 And what's the difference, if any, between
7 Java SE Embedded and Java SE?

8 A Yeah, so they're -- it's the same -- it's the
9 same specification, so, like, it's not a separate
10 specification, but Java SE Embedded allows you to create
11 what we call "compact profiles," which allows an
12 application developer, who may only need a limited set
13 of functionality, to use one of the compact profiles
14 with the application, and that allows the -- them to use
15 a less memory, basically.

16 Q Does Java SE Embedded have the same APIs as
17 Java SE?

18 A Yeah, if you are an application developer, it's
19 exactly the same.

20 Q Okay. And what product does -- what Java product
21 does Oracle license or try to license in the wearables
22 market?

23 A In the wearables market, I -- so if we -- if we
24 could -- right? Again, because of the reasons I
25 mentioned before, it's -- if we are talking about, say,

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1 watches, for example -- I don't know where processing
2 power is there. I don't know if they would want to go
3 with ME or SE, but they could choose either. Like it
4 would be --

5 Q What was the --

6 A -- it would be an either/or.

7 Q -- what was the product that Oracle was trying to
8 license to GE Healthcare?

9 A [REDACTED] I'm -- actually, I'm not sure
10 if that was SE Embedded or if it was ME. I think it was
11 SE Embedded, but I would have to check with the sales
12 team.

13 Q Is it your opinion that Android has harmed the
14 market for Java in televisions?

15 A Yeah, absolutely.

16 Q And what is the basis for that opinion?

17 A Well, so, you know, again -- and I think we
18 talked about this in my last deposition, which is that
19 the Blu-ray player market is Java-based. It's --
20 there's a specification for the -- for Blu-ray that
21 mandates that it be Java. And so it seems like all
22 the -- all the companies that were making Blu-ray
23 players were also the same companies that were making
24 televisions, and it seemed like it would be a natural
25 pivot for those manufacturers who were comfortable using

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1 Java and had been building Blu-ray-based
2 set-top-box-type applications for their Blu-ray players
3 to then pivot into smart television. And -- but,
4 unfortunately, Android came along and they saw it as
5 a -- as an opportunity to effectively get the same for
6 free.

7 Q Did -- or strike that.

8 Has Oracle ever licensed Java for use in a smart
9 TV?

10 A Yes.

11 So there's the -- the Ginga -- the Ginga-J
12 standard in Brazil, and so that -- you know, that's a
13 smart TV. I know -- I know there's other examples
14 through sales where they have been trying to -- to get
15 deals on those, but I -- I'm not sure how far they got.

16 Q And other -- other than what you have just
17 testified to, is there any basis for the -- your opinion
18 that Android has harmed the market for Java in
19 televisions?

20 A Yeah, for the -- for the reasons I just
21 described, yeah.

22 Q Has Android harmed the market for Java in Blu-ray
23 players?

24 A It has not because the definition of a Blu-Ray
25 player is that it run Java.

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1 Q Has Android harmed the market for Java in media
2 players?

3 A Sorry, can I double back on that? There was just
4 one clarification I wanted to make.

5 Q Sure.

6 A Is that -- so I was literally taking you to mean
7 the Blu-ray player itself, so basically, you know, the
8 reading -- the reading of the disc and the playing of
9 the content, but there are cases where the -- these
10 companies would look at adding extra functionality.
11 Like, if you buy a Blu-Ray player today, it often does a
12 lot more than just a Blu-Ray player, and so even though
13 they need Java to run the Blu-ray part of it, they may
14 look at other -- other things like Android to run the
15 other -- other functionality.

16 Q But --

17 A Sorry, your --

18 Q -- has that actually happened? Are you aware of
19 that actually happening?

20 A So I -- I -- I know -- I've talked to sales about
21 situations like that, but I don't have a specific
22 example off my head.

23 Q Are you aware -- or strike that.

24 Has Android harmed the market for Java in media
25 players, slash, set-top boxes?

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1 A Yes.

2 And, again, this is the kind of thing where,
3 based on our experiences in Brazil, with Ginga-J, we
4 could have easily leveraged that into other -- other
5 markets, but they have been turning to Android.

6 Q Okay. And what is the basis for your opinion
7 that Android has harmed Java in the market for media
8 players, slash, set-top boxes?

9 A So exactly as I had just described. It's the
10 fact that we have this -- have this business that should
11 have easily pivoted into these other -- with these other
12 customers in other markets, but because of the emergence
13 of Android as a free alternative, we were unable to do
14 so.

15 Q And are you aware of any media player,
16 set-top-box manufacturer actually choosing Android
17 instead of Java?

18 A Me, personally, interacting with -- with a
19 set-top box manufacturer, no, but I know through sales
20 that -- that there are examples.

21 Q Okay. And what are those examples?

22 A So I believe there's -- there is some here,
23 right? [REDACTED] is one. I'm sure there's
24 others. Yeah, well, there's a few others there.

25 MS. LEWIS-GRUSS: Two things.

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1 One, for the record, consistent with the parties'
2 past practice, we are going to mark this transcript
3 "Highly Confidential - Attorneys' Eyes Only."

4 I also believe we have been going about two
5 hours. I think it would be a good time to take a break
6 and we can figure out what our plan is to go forward. I
7 mean, the parties have agreed to a two-hour deposition.
8 I understand you are still asking questions about this
9 Exhibit D. We will not cut the deposition off before
10 you have gone through Exhibit D, but the witness does
11 have time constraints.

12 MR. MULLEN: Got it. Let's go off the record.

13 THE VIDEOGRAPHER: Going off the record, the time
14 is 12:07 p.m.

15 (Recess taken.)

16 THE VIDEOGRAPHER: Back on the record, the time
17 is 12:19 p.m.

18 BY MR. MULLEN:

19 Q Mr. Smith, is it your opinion that Android has
20 harmed Java in the market for the Internet of Things?

21 A Yes.

22 Q And what product -- what Java product does Oracle
23 license in the Internet of Things market?

24 A So, yeah, Internet of Things is -- is one of
25 those things that is incredibly broad, but it's also

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1 something I think we talked about earlier, if I remember
2 correctly -- right? -- where, when we talk about the
3 Internet of Things, there's -- we could be talking about
4 edge devices. We could be talking about the gateways
5 and routers, and I think we went through some examples
6 there, like -- so I know -- and I still can't recall the
7 name of the company, but I know recently we did a -- a
8 home gateway deal with a company.

9 And then in terms of edge devices, well, that
10 could be -- that could be a lot of different things.

11 Q So -- but my question is: What -- what specific
12 Java product? Is it SE? Is it ME? Is it SE Embedded?

13 A Oh.

14 Q What does Oracle license in the Internet of
15 Things market?

16 A Any -- any and all --

17 Q Okay.

18 A -- right? So depending on the processing power
19 and underlying hardware requirements, it could be
20 Java ME. It could be SE Embedded. It could be SE.

21 Q And are you aware -- or strike that.

22 What are -- who are Oracle's licensees for
23 Java SE in the Internet of Things market?

24 A Yeah, so, again, you know, based on my
25 experience, it's one of these things where it depends

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1 what you mean by "the Internet of Things," and I -- I
2 know we have the list here of products that -- that
3 we've sold. This comes from the sales team, so there's,
4 you know, lots of examples here in this -- in this
5 exhibit, and I gave you an example of one.

6 Q But I'm asking about Java SE specifically.

7 A Oh, sorry, Java -- okay. Java SE specifically.
8 Got it.

9 So, yeah, so we have an example here of Java SE
10 on a gateway with GE.

11 Q Are there any other examples that you are aware
12 of?

13 A Well, yeah, so there's -- there's lots of
14 examples here, right? There's the one from [REDACTED]

15 Q Is that a Java SE deal?

16 A Yes.

17 Q Okay. And what is the device on which Java SE
18 would be running?

19 A It's a gateway.

20 Q And is that the full Java SE specification?

21 A I believe that is a -- yeah, it's the Java SE.

22 Q Okay. With all of the APIs?

23 A Yeah, it's the full Java SE.

24 Q Okay. And other than [REDACTED] are you aware
25 of any other licenses that Oracle has for Java SE in the

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1 Internet of Things market?

2 A Well, so there's the example there for [REDACTED]

3 Q Okay. Any others?

4 A Well, there's the [REDACTED]

5 Q Any others?

6 A I -- I would have to ask sales if -- if there was
7 any other specific -- I would have to look through the
8 agreements, basically, to see what we have licensed out
9 there.

10 Q And do you have personal knowledge of any of
11 those deals that you just mentioned for [REDACTED]

12 [REDACTED]

13 MS. LEWIS-GRUSS: Objection.

14 THE WITNESS: Yeah, so -- well, I -- I had
15 knowledge of the one whose company -- the company name I
16 can't remember. It's a fairly new company.

17 [REDACTED] yeah, so I -- I was involved in the [REDACTED] deal
18 at some point. That was based on, again, e-mail --
19 e-mail conversations and approvals with sales team where
20 [REDACTED] had kind of specific questions about certain topics.

21 BY MR. MULLEN:

22 Q And what about for [REDACTED]

23 [REDACTED] do you have any personal knowledge of those
24 deals?

25 A So --

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1 MS. LEWIS-GRUSS: Objection.

2 THE WITNESS: So I have to admit I -- I can't
3 recall being involved in something related to [REDACTED]
4 but [REDACTED] is an example of a company for which we have
5 lots of different fronts, and I'm -- I'm frequently
6 doing something for somebody related to [REDACTED]

7 BY MR. MULLEN:

8 Q But do you have knowledge of this Internet of
9 Things deal for Java SE as it relates to [REDACTED]

10 A Yeah, so I do -- I do remember the -- the -- the
11 gateway and that they were licensing Java SE for
12 gateway, but I would have to go and look for -- I would
13 have go look at the agreement for specifics or talk to
14 the sales team.

15 Q And what is the basis for your opinion that
16 Android has harmed Java in the market for Internet of
17 Things devices?

18 A So, again, it's -- it's a case of -- well,
19 there's two parts, right? One is, depends what we mean
20 by "the Internet of Things," but No. 2, it is that, you
21 know, this -- the Internet of Things is -- is a
22 relatively new thing, right? It's basically the fact
23 that, thanks to Moore's law, we are able to run
24 applications on things like light switches, thermostats,
25 on, you know, all these different types of edge devices,

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1 and so we would expect to see Java SE as -- as a -- as a
2 choice there, but what's happening is there's a lot of
3 Android already there because people believe that that
4 is already Java.

5 Q And is there any other basis for your opinion
6 besides what you just mentioned?

7 A Yeah. Just based on my experiences with the
8 customers, with the sales, with trade shows, stuff like
9 that, yeah.

10 Q And do you have any basis to believe that Oracle
11 has actually lost business because of Android in the
12 market for Internet of Things?

13 MS. LEWIS-GRUSS: Objection.

14 THE WITNESS: Yes.

15 BY MR. MULLEN:

16 Q And what is that basis?

17 A Well, the -- the basis is that Android is there,
18 right? And so you see --

19 Q But what --

20 A -- you see Android in -- in all these Internet of
21 Things-marketed edge devices, and that could be Oracle's
22 market if Android wasn't there and people weren't
23 confused into thinking that it was Java.

24 Q Sure.

25 But -- but I'm trying to understand the

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1 difference between an actual deal that you lost and
2 something that could have materialized.

3 And for any of those deals, to --

4 A Mm-hmm.

5 Q -- to what basis, if any, do you have to believe
6 that Oracle would have obtained the deal but for
7 Android?

8 A Right. Well, we -- we have a lot of examples
9 from sales where the customer has said that they went
10 with Android instead.

11 But -- but to your second point, you know, it's
12 the fact -- more and more, I fear -- that we are not
13 even seeing the opportunity. We are not even being
14 contacted because they have just gone with Android, and
15 that's -- that's what I worry about the most.

16 Q Okay. Can you -- as you sit here today, can you
17 think of any example where a specific customer has told
18 you that they are using Android instead of Java?

19 MS. LEWIS-GRUSS: Objection.

20 THE WITNESS: So, again, me, personally, from a
21 customer, no, but through -- through -- through the
22 sales, through forwarded e-mails, presentations, I see
23 lots of examples of that.

24 BY MR. MULLEN:

25 Q And you mentioned that the Internet of Things is

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1 a relatively new market; is that right?

2 A Well, you know, again, a lot -- a lot of these
3 things are marketing terms. It comes back to feature
4 phone versus smartphone, and so, like, you know, based
5 on my experiences in the industry, I know a lot of
6 people -- I know a lot of people who spend way too much
7 time debating whether something is an Internet of Thing
8 thing or something else, and so -- I mean, this all
9 started -- I don't know if you recall, but it started in
10 the M2M market, the machine-to-machine market, and that
11 was the branding that came out, but then that pivoted
12 and people started to latch on to this phrasing of
13 "Internet of Things."

14 But, I mean, basically, the Internet of Things is
15 a combination of edge devices, gateways, and some sort
16 of cloud-based service.

17 Q Sure.

18 But so however you define the Internet of Things,
19 I think you mentioned that's a relatively new market; is
20 that accurate?

21 A Well, so what I -- so what I meant was that the
22 term "Internet of Things" is relatively new. Like,
23 that's maybe five or ten years at the most. It started
24 off as M2M.

25 The concepts of edge devices, gateways, and --